

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PURCELL BRONSON, et al.,

Petitioner,

v.

MARTIN F. HORN, et al.,

Respondent.

CIVIL ACTION NO. 3:01-CV-0026

(JUDGE CAPUTO)

ORDER

Petitioner Purcell Bronson is one of four inmates who initiated a civil suit to challenge the legality of DOC Policy 6.5.1. (Doc.348 at 1.) The case was tried before this Court without a jury on July 11, 2005. *Id.* On August 16, 2005, judgment was entered in favor of Plaintiffs and they were awarded nominal damages of one (1) dollar each. *Id.* at 11. Petitioner then filed a Notice of Appeal on September 15, 2005. (Doc. 351.) Petitioner filed the present Affidavit accompanying Motion for Permission to Appeal in *Forma Pauperis* (Doc. 358) without actually filing an application or motion for *in forma pauperis* status. In absence of such a motion, the Court will construe the Affidavit as an application and review the Petitioner's *in forma pauperis* status on appeal in accordance with Rule 24(a)(1) of the Federal Rules Appellate Procedure.

The Court has discretion to grant *in forma pauperis* status. *Goldstein v. Timoney*, No. 01-481, 2001 WL 179868 at *1 (E.D. Pa. Feb. 20, 2001). "Poverty sufficient to qualify for *in forma pauperis* status does not require penniless destitution." *Id.* (alterations omitted) (citing *Ward v. Werner*, 61 F.R.D. 639, 640 (M.D. Pa. 1974)). "[T]here exists no fixed net worth which disqualifies a party as a pauper." *Id.* Petitioner submits an affidavit stating that he earns on average, \$201.72 a month from employment

and gifts. (Doc. 358) He also indicates that he has no other assets or sources of income. *Id.* I find that Plaintiff is unable to pay filing fees or give security, and, as such, he qualifies for *in forma pauperis* status.

NOW, this 6th day of December, 2005, **IT IS HEREBY ORDERED** that Plaintiff's Affidavit accompanying Motion for Permission to Appeal in Forma Pauperis (Doc. 358), construed by the Court as an application, is **GRANTED**.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge